IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO.21452 of 2004

Between:

Sri Babu Chinnataraha Vyaparula Sangam,

Bearing Regn. No. 326/1995 Ongole,
Rep. by its President Mr. Bojja Veeraiah S/o Ruben aged about 40 years, R/o 5th Lane, Clove Pet, Ongole, Prakasam District.

..... PETITIONER

AND

1 The Commissioner, Ongole Municipality, Prakasam District.
2 The District Collector, Prakasam District.
3 The Executive Engineer, R & B Department, Ongole ,Prakasam

District.
4 The Superintendent of Police, Ongole ,Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in making attempts to demolish and dispossess the members of the petitioner's society from their respective shops which are situated in front of Sri Bapuji Complex, Ongole, Prakasam District, without any prior notice though the distance between the part of the existing shops of the members of the petitioner society and the road is more than 40 feet is illegal, void and opposed to Articles 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondent not to interfere with the peaceful possession and enjoyment of shops of the members of the petitioner's society.

Counsel for the Petitioner: MR.N.RAVI PRASAD

Counsel for the Respondent No.1: MR.DANTU.SRINIVAS, SC for Ongole Municipality.

Counsel for the Respondent Nos. 2 to 4: GP for Revenue

The Court made the following:

ORDER:

The members of the petitioner Sangam claims to be occupants of small shops for the last 25 years in the Ongole town and paying the taxes to first respondent regularly. Earlier in the 1997, the petitioner Sangam herein filed W.P.No.25356 of 1997 questioning the action of the first respondent in demolishing the subject shops. The said writ petition was disposed of with a direction to the respondents to follow due process of law, before evicting the petitioners. The present grievance on the members of the petitioner Sangam is that without considering their representation and giving any notice the respondents are trying to evict them illegally. It is alleged that on 19-11-2004 the 4th respondent along with its subordinates visited the subject shops and threatened to vacate the same.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue and Mr.Dantu Srinivas for first respondent. The counsel appearing for respective parties, agreed for disposal of the writ petition at the stage of admission.

It is to be noted that this Court has already disposed of W.P.25356 of 1997 filed by the petitioner Sangam seeking similar relief, by issuing certain directions. Pursuant to such directions, it is expected that the respondent authorities had followed the due procedure prescribed under law. If the respondents have not issued appropriate notice as required under law, to the members of the petitioner Sangam, the respondents are directed to follow the due procedure as contemplated under law before evicting the members of the petitioner Sangam and till such time, the status quo existing as on today shall be maintained. However, in case the respondents have already followed the due procedure under law pursuant to the directions issued in W.P.No.25356 of 1997, they are at liberty to proceed further in the matter in accordance with law.

Subject to above observation, the writ petition is disposed of. No costs.

_____ N.V.RAMANA,J

29-11-2004

To,

1 The Commissioner, Ongole Municipality, Prakasam District.
2 The District Collector, Prakasam District.
3 The Executive Engineer, R & B Department, Ongole ,Prakasam

District.
4 The Superintendent of Police, Ongole ,Prakasam District.

5. Two CCS to GP for Revenue, High Court of AP, Hyderabad (OUT)

6. Two CD copies.